

By: Hughes

S.B. No. 2368

A BILL TO BE ENTITLED

AN ACT

relating to election practices and procedures.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.007(c), Election Code, is amended to read as follows:

(c) A delivery, submission, or filing of a document or paper under this code may be made by personal delivery, mail, telephonic facsimile machine, e-mail, or any other method of transmission.

SECTION 2. Section 2.002, Election Code, is amended by amending Subsection (b) and adding Subsection (j) to read as follows:

(b) Not later than the fifth day after the date the automatic recount required by Subsection (i) is completed or the final canvass following the automatic recount is completed, if applicable, the authority responsible for ordering the first election shall order the second election. The second election shall be held not earlier than the 20th day or later than the 45th [~~30th~~] day after the date the automatic recount required by Subsection (i) is completed or the final canvass following the automatic recount is completed, if applicable.

(j) If the recount does not resolve the tie, the tied candidates may:

(1) cast lots not later than the day before the date the authority must order the second election under Subsection (b);

1 or

2 (2) withdraw from the election not later than 5 p.m. of
3 the day after the date the automatic recount is held.

4 SECTION 3. Section 2.022(b), Election Code, is amended to
5 read as follows:

6 (b) Sections 2.023, 2.025, and 2.028 supersede a law outside
7 this subchapter to the extent of any conflict.

8 SECTION 4. Section 2.025(d), Election Code, is amended to
9 read as follows:

10 (d) A runoff election for a special election to fill a
11 vacancy in Congress or a special election to fill a vacancy in the
12 legislature, except an election ordered as an emergency election
13 under Section 41.0011 or an election held as an expedited election
14 under Section 203.013, [to which Section 101.104 applies] shall be
15 held not earlier than the 70th day or later than the 77th day after
16 the date the final canvass of the main election is completed.

17 SECTION 5. Section 2.028(c), Election Code, is amended to
18 read as follows:

19 (c) A tying candidate may resolve the tie by filing with the
20 presiding officer of the final canvassing authority a written
21 statement of withdrawal signed and sworn to ~~[acknowledged]~~ by the
22 candidate. If the statement of withdrawal is received before the
23 automatic recount is conducted, the remaining candidate is the
24 winner, and the automatic recount is not conducted. If the
25 statement of withdrawal is received not later than 5 p.m. the day
26 after the date the automatic recount is conducted ~~[On receipt of the~~
27 ~~statement of withdrawal]~~, the remaining candidate is the winner,

1 and a casting of lots is not held.

2 SECTION 6. Section 2.051(b), Election Code, is amended to
3 read as follows:

4 (b) In the case of an election in which any members of the
5 political subdivision's governing body are elected from
6 territorial units such as single-member districts, this subchapter
7 applies to the election in a particular territorial unit if each
8 candidate for an office that is to appear on the ballot in that
9 territorial unit is unopposed and no ~~[at-large proposition or]~~
10 opposed at-large race is to appear on the ballot. This subchapter
11 applies to an unopposed at-large race in such an election
12 regardless of whether an opposed race is to appear on the ballot in
13 a particular territorial unit.

14 SECTION 7. Section 3.005(d), Election Code, is amended to
15 read as follows:

16 (d) Except as provided by Subsection (c), an ~~[An]~~ election
17 under Section 26.08, Tax Code, to ratify a tax rate adopted by the
18 governing body of a school district under Section 26.05(g) of that
19 code shall be ordered not later than the 30th day before election
20 day.

21 SECTION 8. Section 4.003(c), Election Code, is amended to
22 read as follows:

23 (c) In addition to any other notice given, notice of an
24 election ordered by the governor, by a county authority,
25 ~~[commissioners court]~~ or by an authority of a city or school
26 district must be given by the method prescribed by Subsection
27 (a)(1).

1 SECTION 9. Section 13.004(c), Election Code, is amended to
2 read as follows:

3 (c) The following information furnished on a registration
4 application is confidential and does not constitute public
5 information for purposes of Chapter 552, Government Code:

- 6 (1) a social security number;
- 7 (2) a Texas driver's license number;
- 8 (3) a number of a personal identification card issued
9 by the Department of Public Safety;

10 (4) ~~[an indication that an applicant is interested in~~
11 ~~working as an election judge,~~

12 ~~[(5)]~~ the residence address of the applicant, if the
13 applicant is a federal judge or state judge, as defined by Section
14 13.0021, the spouse of a federal judge or state judge, or an
15 individual to whom Section 552.1175, Government Code, applies and
16 the applicant:

17 (A) included an affidavit with the registration
18 application describing the applicant's status under this
19 subdivision, including an affidavit under Section 13.0021 if the
20 applicant is a federal judge or state judge or the spouse of a
21 federal judge or state judge;

22 (B) provided the registrar with an affidavit
23 describing the applicant's status under this subdivision,
24 including an affidavit under Section 15.0215 if the applicant is a
25 federal judge or state judge or the spouse of a federal judge or
26 state judge; or

27 (C) provided the registrar with a completed form

1 approved by the secretary of state for the purpose of notifying the
2 registrar of the applicant's status under this subdivision;

3 (5) [~~(6)~~] the residence address of the applicant, if
4 the applicant, the applicant's child, or another person in the
5 applicant's household is a victim of family violence as defined by
6 Section 71.004, Family Code, who provided the registrar with:

7 (A) a copy of a protective order issued under
8 Chapter 85, Family Code, or a magistrate's order for emergency
9 protection issued under Article 17.292, Code of Criminal Procedure;

10 or

11 (B) other independent documentary evidence
12 necessary to show that the applicant, the applicant's child, or
13 another person in the applicant's household is a victim of family
14 violence;

15 (6) [~~(7)~~] the residence address of the applicant, if
16 the applicant, the applicant's child, or another person in the
17 applicant's household is a victim of sexual assault or abuse,
18 stalking, or trafficking of persons who provided the registrar
19 with:

20 (A) a copy of a protective order issued under
21 Chapter 7A or Article 6.09, Code of Criminal Procedure, or a
22 magistrate's order for emergency protection issued under Article
23 17.292, Code of Criminal Procedure; or

24 (B) other independent documentary evidence
25 necessary to show that the applicant, the applicant's child, or
26 another person in the applicant's household is a victim of sexual
27 assault or abuse, stalking, or trafficking of persons; or

1 (7) [~~(8)~~] the residence address of the applicant, if
2 the applicant:

3 (A) is a participant in the address
4 confidentiality program administered by the attorney general under
5 Subchapter C, Chapter 56, Code of Criminal Procedure; and

6 (B) provided the registrar with proof of
7 certification under Article 56.84, Code of Criminal Procedure.

8 SECTION 10. Section 13.072(d), Election Code, is amended to
9 read as follows:

10 (d) If an application clearly indicates that the applicant
11 resides in another county, the registrar shall forward the
12 application to the other county's registrar not later than the
13 second day after the date the application is received [~~and, if the~~
14 ~~other county is not contiguous, shall deliver written notice of~~
15 ~~that action to the applicant not later than the seventh day after~~
16 ~~the date the application is received~~]. The date of submission of a
17 completed application to the wrong registrar is considered to be
18 the date of submission to the proper registrar for purposes of
19 determining the effective date of the registration.

20 SECTION 11. Section 13.142(a), Election Code, is amended to
21 read as follows:

22 (a) After approval of a registration application, the
23 registrar shall:

24 (1) prepare a voter registration certificate [~~in~~
25 ~~duplicate~~] and issue the original certificate to the applicant; and

26 (2) enter the applicant's county election precinct
27 number and registration number on the applicant's registration

1 application.

2 SECTION 12. Section 13.143(d-2), Election Code, is amended
3 to read as follows:

4 (d-2) For a registration application submitted by
5 telephonic facsimile machine to be effective, a copy of the
6 original registration application containing the voter's original
7 signature must be submitted by personal delivery or mail and be
8 received by the registrar not later than the fourth business day
9 after the transmission by telephonic facsimile machine is received.

10 SECTION 13. Section 15.022(a), Election Code, is amended to
11 read as follows:

12 (a) The registrar shall make the appropriate corrections in
13 the registration records, including, if necessary, deleting a
14 voter's name from the suspense list:

15 (1) after receipt of a notice of a change in
16 registration information under Section 15.021;

17 (2) after receipt of a voter's reply to a notice of
18 investigation given under Section 16.033;

19 (3) after receipt of any affidavits executed under
20 Section 63.006, following an election;

21 (4) after receipt of a voter's statement of residence
22 executed under Section 63.0011;

23 (5) before the effective date of the abolishment of a
24 county election precinct or a change in its boundary;

25 (6) after receipt of United States Postal Service
26 information indicating an address reclassification;

27 (7) after receipt of a voter's response under Section

1 15.053; ~~or~~]

2 (8) after receipt of a registration application or
3 change of address under Chapter 20; or

4 (9) on discovering a data entry error has been made.

5 SECTION 14. Section 15.082(b), Election Code, is amended to
6 read as follows:

7 (b) The ~~[fee for each]~~ list shall be provided in accordance
8 with Chapter 552, Government Code ~~[or portion of a list furnished~~
9 ~~under this section may not exceed the actual expense incurred in~~
10 ~~reproducing the list or portion for the person requesting it and~~
11 ~~shall be uniform for each type of copy furnished. The registrar~~
12 ~~shall make reasonable efforts to minimize the reproduction~~
13 ~~expenses].~~

14 SECTION 15. Section 16.031(a), Election Code, is amended to
15 read as follows:

16 (a) The registrar shall cancel a voter's registration
17 immediately on receipt of:

18 (1) notice under Section 13.072(b), ~~or~~ 15.021, or
19 18.0681(d) or a response under Section 15.053 that the voter's
20 residence is outside the county;

21 (2) an abstract of the voter's death certificate under
22 Section 16.001(a) or an abstract of an application indicating that
23 the voter is deceased under Section 16.001(b);

24 (3) an abstract of a final judgment of the voter's
25 total mental incapacity, partial mental incapacity without the
26 right to vote, conviction of a felony, or disqualification under
27 Section 16.002, 16.003, or 16.004;

1 (4) notice under Section 112.012 that the voter has
2 applied for a limited ballot in another county;

3 (5) notice from a voter registration official in
4 another state that the voter has registered to vote outside this
5 state;

6 (6) notice from the early voting clerk under Section
7 101.053 that a federal postcard application submitted by an
8 applicant states a voting residence address located outside the
9 registrar's county; or

10 (7) notice from the secretary of state that the voter
11 has registered to vote in another county, as determined by the
12 voter's driver's license number or personal identification card
13 number issued by the Department of Public Safety or social security
14 number.

15 SECTION 16. Sections 16.0921(a) and (b), Election Code, are
16 amended to read as follows:

17 (a) Except as provided by Subsection (c), on the filing of a
18 sworn statement under Section 16.092 alleging a ground based on
19 residence, the registrar shall promptly deliver to the voter whose
20 registration is challenged a confirmation notice in accordance with
21 Section 15.051, unless the residential address provided in the
22 challenge for the voter is different from the voter's current
23 residential address indicated on the registration records.

24 (b) If the voter is delivered a confirmation notice [~~fails~~
25 ~~to submit a response to the registrar in accordance with Section~~
26 ~~15.053~~], the registrar shall enter the voter's name on the suspense
27 list.

1 SECTION 17. Section 18.002(c), Election Code, is amended to
2 read as follows:

3 (c) An additional copy of each list shall be furnished for
4 use in early voting and as needed in order to ensure all voters
5 eligible to vote in an election appear correctly on the original
6 list.

7 SECTION 18. Section 18.003(c), Election Code, is amended to
8 read as follows:

9 (c) An additional copy of each list shall be furnished for
10 use in early voting and as needed in order to ensure all voters
11 eligible to vote in an election appear correctly on the original
12 list.

13 SECTION 19. Section 18.005(a), Election Code, is amended to
14 read as follows:

15 (a) Each original and supplemental list of registered
16 voters must:

17 (1) contain the voter's name, date of birth, and
18 registration number as provided by the statewide computerized voter
19 registration list;

20 (2) contain the voter's residence address, except as
21 provided by Subsections (b) and (c) [~~or Section 18.0051~~];

22 (3) be arranged alphabetically by voter name; and

23 (4) contain the notation required by Section 15.111.

24 SECTION 20. Sections 18.061(b) and (d), Election Code, are
25 amended to read as follows:

26 (b) The statewide computerized voter registration list
27 must:

1 (1) contain the name and registration information of
2 each voter registered in the state;

3 (2) assign a unique identifier to each registered
4 voter; and

5 (3) be available to any county election official in
6 the state through immediate electronic access.

7 (d) The secretary of state may contract with counties to
8 provide them with electronic data services to facilitate the
9 implementation and maintenance of the statewide computerized voter
10 registration list. The secretary shall use funds collected under
11 the contracts to defray expenses incurred in implementing and
12 maintaining the statewide computerized voter registration list.

13 SECTION 21. Section 18.069, Election Code, is amended to
14 read as follows:

15 Sec. 18.069. VOTING HISTORY. Not later than the 30th day
16 after the date of the primary, runoff primary, or general election
17 or any special election ordered by the governor, the general
18 custodian of election records [~~registrar~~] shall electronically
19 submit to the secretary of state the record of each voter
20 participating in the election. The record must include a notation
21 of whether the voter voted on election day, voted early by personal
22 appearance, voted early by mail under Chapter 86, or voted early by
23 mail under Chapter 101.

24 SECTION 22. Section 31.093(a), Election Code, is amended to
25 read as follows:

26 (a) Subject to Section 41.001(d), if [~~if~~] requested to do so
27 by a political subdivision, the county elections administrator

1 shall enter into a contract to furnish the election services
2 requested, in accordance with a cost schedule agreed on by the
3 contracting parties.

4 SECTION 23. Section 32.114(a), Election Code, is amended to
5 read as follows:

6 (a) The county clerk shall provide one or more sessions of
7 training using the standardized training program and materials
8 developed and provided by the secretary of state under Section
9 32.111 for the election judges and clerks appointed to serve in
10 elections ordered by the governor or a county authority. Each
11 election judge shall complete the training program. The training
12 program must include specific procedures related to the early
13 voting ballot board and the central counting station, as
14 applicable. Each election clerk shall complete the part of the
15 training program relating to the acceptance and handling of the
16 identification presented by a voter to an election officer under
17 Section 63.001.

18 SECTION 24. Sections 41.001(a) and (b), Election Code, are
19 amended to read as follows:

20 (a) Except as otherwise provided by this subchapter, each
21 general or special election in this state shall be held on one of
22 the following dates:

- 23 (1) the first Saturday in May in an odd-numbered year;
24 (2) the first Saturday in May in an even-numbered
25 year, for an election held by a political subdivision other than a
26 county, or ordered by the governor; or
27 (3) the first Tuesday after the first Monday in

1 November.

2 (b) Subsection (a) does not apply to:

3 (1) a runoff election;

4 (2) an election to resolve a tie vote;

5 (3) an election held under an order of a court or other
6 tribunal;

7 (4) an emergency election ordered under Section
8 [41.0011](#) or any resulting runoff;

9 (5) an expedited election to fill a vacancy in the
10 legislature held under Section [203.013](#);

11 (6) an election held under a statute that expressly
12 provides that the requirement of Subsection (a) does not apply to
13 the election; or

14 (7) the initial election of the members of the
15 governing body of a newly incorporated city.

16 SECTION 25. Section [52.070](#), Election Code, is amended by
17 amending Subsections (a), (b), and (e) and adding Subsection (f) to
18 read as follows:

19 (a) A shape [~~square~~] for voting shall be printed to the left
20 of each candidate's name on a ballot.

21 (b) Immediately below "OFFICIAL BALLOT," the following
22 instruction shall be printed: "Vote for the candidate of your
23 choice in each race by placing an 'X' or filling in the shape
24 [~~square~~] beside the candidate's name."

25 (e) A shape [~~square~~] shall be printed to the left of each
26 line provided for write-in voting under Section [52.066](#)(c), but
27 failure to place a mark in the shape [~~square~~] does not affect the

1 counting of a write-in vote.

2 (f) Any variation from this instruction must be approved by
3 the secretary of state.

4 SECTION 26. Section 52.094(d), Election Code, is amended to
5 read as follows:

6 (d) The [~~For an election held at county expense or a city~~
7 ~~election, on receipt of a candidate's written request accompanied~~
8 ~~by a stamped, self-addressed envelope, the authority conducting the~~
9 ~~drawing shall mail written notice of the date, hour, and place of~~
10 ~~the drawing to the candidate. For an election held by any other~~
11 ~~political subdivision, the]~~ authority conducting the drawing shall
12 provide [~~mail written~~] notice of the date, hour, and place of the
13 drawing to each candidate by:

14 (1) written notice:

15 (A) mailed to [~~at~~] the address stated on the
16 candidate's application for a place on the ballot, not later than
17 the fourth day before the date of the drawing; or

18 (B) provided at the time the candidate files an
19 application with the appropriate authority;

20 (2) telephone, if a telephone number is provided on
21 the candidate's application for a place on the ballot; or

22 (3) e-mail, if an e-mail address is provided on the
23 candidate's application for a place on the ballot.

24 SECTION 27. Subchapter B, Chapter 65, Election Code, is
25 amended by adding Section 65.0581 to read as follows:

26 Sec. 65.0581. PUBLIC INSPECTION OF PROVISIONAL VOTING
27 RECORDS. Provisional voting records are not available for public

1 inspection until the first business day after the date the early
2 voting ballot board completes the verification and counting of
3 provisional ballots under Section 65.051 and delivers the
4 provisional ballots and other provisional voting records to the
5 general custodian of election records.

6 SECTION 28. Section 84.007(e), Election Code, is amended to
7 read as follows:

8 (e) The early voting clerk shall designate an e-mail address
9 for receipt of an application under Subsection (b)(4). The
10 secretary of state shall include the e-mail addresses of the early
11 voting clerks on the secretary of state's website.

12 SECTION 29. Section 84.008(b), Election Code, is amended to
13 read as follows:

14 (b) This section does not apply to an application submitted
15 under Chapter [~~101~~] 102[~~7~~] or 103.

16 SECTION 30. Section 85.007(d), Election Code, is amended to
17 read as follows:

18 (d) Any notice required under this section must also be
19 posted:

20 (1) on the Internet website of the authority ordering
21 the election, if the authority maintains a website; and

22 (2) for a primary election or the general election for
23 state and county officers, by the secretary of state on the
24 secretary's Internet website.

25 SECTION 31. Section 86.0015(c), Election Code, is amended
26 to read as follows:

27 (c) In an election of a political subdivision located in a

1 county in which the county clerk is not the early voting clerk, the
2 county clerk shall provide the early voting clerk of the political
3 subdivision that is holding the election a list of voters in the
4 portion of the political subdivision located in the county who have
5 ballot applications on file under this section along with copies of
6 the applications submitted by those voters. The early voting clerk
7 shall provide a ballot to be voted by mail to each voter on the list
8 for whom the early voting clerk received a copy of an application
9 submitted under this section.

10 SECTION 32. Section 86.002(f), Election Code, is amended to
11 read as follows:

12 (f) The clerk shall include with the balloting materials:
13 (1) a notice of the clerk's physical address for
14 purposes of return by common or contract carrier or personal
15 delivery in accordance with Section 86.006(a-1); and
16 (2) the list of declared write-in candidates for the
17 election, if applicable.

18 SECTION 33. Section 86.003(d), Election Code, is amended to
19 read as follows:

20 (d) If the applicable address specified in a voter's
21 application is an address other than that prescribed by Subsection
22 (c) or subject to Section 86.002(a), the voter's application shall
23 be rejected in accordance with Section 86.001(c).

24 SECTION 34. Section 86.009(e), Election Code, is amended to
25 read as follows:

26 (e) A voter's defective ballot that is timely returned to
27 the clerk as a marked ballot shall be treated as:

1 (1) a marked ballot not timely returned if the
2 corrected ballot is timely returned as a marked ballot by the close
3 of the polls on election day; or

4 (2) as the voter's ballot for the election if the
5 corrected ballot is not timely returned by the close of the polls on
6 election day.

7 SECTION 35. Section 87.0222(a), Election Code, is amended
8 to read as follows:

9 (a) Notwithstanding Section 87.024, in an election
10 conducted by an authority of a county with a population of 100,000
11 or more, or conducted jointly with such a county or conducted with
12 such a county through a contract for election services, the jacket
13 envelopes containing the early voting ballots voted by mail may be
14 delivered to the board between the end of the ninth day before the
15 last day of the period for early voting by personal appearance and
16 the closing of the polls on election day, or as soon after closing
17 as practicable, at the time or times specified by the presiding
18 judge of the board.

19 SECTION 36. Section 87.0241(b), Election Code, is amended
20 to read as follows:

21 (b) The board may not count early voting ballots until:

22 (1) the polls open on election day; or

23 (2) in an election conducted by an authority of a
24 county with a population of 100,000 or more, or conducted jointly
25 with such a county or conducted with such a county through a
26 contract for election services, the end of the period for early
27 voting by personal appearance.

1 SECTION 37. Section 87.102(b), Election Code, is amended to
2 read as follows:

3 (b) Early voting ballots that are to be duplicated under
4 this section [~~shall be delivered to the central counting station as~~
5 ~~prescribed by Section 87.101 and~~] shall be treated in the same
6 manner as damaged electronic system ballots that are duplicated for
7 automatic counting.

8 SECTION 38. Section 101.001, Election Code, is amended to
9 read as follows:

10 Sec. 101.001. ELIGIBILITY. A person is eligible for early
11 voting by mail as provided by this chapter if:

12 (1) the person is qualified to vote in this state or,
13 if not registered to vote in this state, would be qualified if
14 registered; and

15 (2) the person is:

16 (A) a member of the armed forces of the United
17 States, or the spouse or a dependent of a member;

18 (B) a member of the merchant marine of the United
19 States, or the spouse or a dependent of a member;

20 (B-1) a member of the Texas National Guard or the
21 National Guard of another state or a member of a reserve component
22 of the armed forces of the United States serving on active duty
23 under an order of the president of the United States or activated on
24 state orders, or the spouse or dependent of a member; or

25 (C) domiciled in this state but temporarily
26 living outside the territorial limits of the United States and the
27 District of Columbia.

1 SECTION 39. Section 101.003(1), Election Code, is amended
2 to read as follows:

3 (1) "Federal postcard application" means an
4 application for a ballot to be voted under this chapter submitted on
5 the official federal form prescribed under the federal Uniformed
6 and Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20301
7 through 20311) [~~(42 U.S.C. Section 1973ff et seq.)~~].

8 SECTION 40. Section 101.008, Election Code, is amended to
9 read as follows:

10 Sec. 101.008. STATUS OF APPLICATION OR BALLOT VOTED. The
11 secretary of state, in coordination with county [~~local~~] election
12 officials, shall implement an electronic free-access system by
13 which a person eligible for early voting by mail under this chapter
14 or Chapter 114 may determine by telephone, by e-mail, or over the
15 Internet whether:

16 (1) the person's federal postcard application or other
17 registration or ballot application has been received and accepted;
18 and

19 (2) the person's ballot has been received and the
20 current status of the ballot.

21 SECTION 41. Sections 101.052(a-1) and (c), Election Code,
22 are amended to read as follows:

23 (a-1) A federal postcard application must be submitted by:

24 (1) mail; [~~or~~]

25 (2) electronic transmission of an image of the
26 application under procedures prescribed by the secretary of state;

27 (3) in-person delivery in accordance with Section

1 84.008; or

2 (4) common or contract carrier.

3 (c) An application is considered submitted in the following
4 calendar year for purposes of this section if:

5 (1) the applicant is eligible to vote in an election
6 occurring in January or February of the next calendar year; and

7 (2) the application is submitted in the last 60 days of
8 a calendar year but not earlier than the 60th day before the date of
9 the January or February election [~~A federal postcard application~~
10 ~~requesting a ballot for an election to be held in January or~~
11 ~~February may be submitted in the preceding calendar year but not~~
12 ~~earlier than the earliest date for submitting a regular application~~
13 ~~for a ballot to be voted by mail].~~

14 SECTION 42. Section 101.054(c), Election Code, is amended
15 to read as follows:

16 (c) An application shall be treated as if it requests a
17 ballot for a runoff election that results from an election for which
18 a ballot is requested, including a runoff election that occurs in
19 the next calendar year.

20 SECTION 43. Section 101.056(a), Election Code, is amended
21 to read as follows:

22 (a) The balloting materials provided under this subchapter
23 shall be airmailed to the voter free of United States postage, as
24 provided by the federal Uniformed and Overseas Citizens Absentee
25 Voting Act (52 U.S.C. Sections 20301 through 20311) [~~(42 U.S.C.~~
26 ~~Section 1973ff et seq.)~~], in an envelope labeled "Official Election
27 Balloting Material - via Airmail." The secretary of state shall

1 provide early voting clerks with instructions on compliance with
2 this subsection.

3 SECTION 44. Section 101.057(b), Election Code, is amended
4 to read as follows:

5 (b) A ballot voted by a voter described by Section
6 101.001(2)(A), ~~[or]~~ (B), or (B-1) shall be counted if the ballot
7 arrives at the address on the carrier envelope not later than the
8 sixth day after the date of the election, except that if that date
9 falls on a Saturday, Sunday, or legal state or national holiday,
10 then the deadline is extended to the next regular business day.

11 SECTION 45. Section 101.058, Election Code, is amended to
12 read as follows:

13 Sec. 101.058. OFFICIAL CARRIER ENVELOPE. The officially
14 prescribed carrier envelope for voting under this subchapter shall
15 be prepared so that it can be mailed free of United States postage,
16 as provided by the federal Uniformed and Overseas Citizens Absentee
17 Voting Act (52 U.S.C. Sections 20301 through 20311) [~~(42 U.S.C.~~
18 ~~Section 1973ff et seq.)~~], and must contain the label prescribed by
19 Section 101.056(a) for the envelope in which the balloting
20 materials are sent to a voter. The secretary of state shall provide
21 early voting clerks with instructions on compliance with this
22 section.

23 SECTION 46. Section 101.102(b), Election Code, is amended
24 to read as follows:

25 (b) The early voting clerk shall grant a request made under
26 this section for the e-mail transmission of balloting materials if:

27 (1) the requestor has submitted a valid federal

1 postcard application and:

2 (A) if the requestor is a person described by
3 Section 101.001(2)(C), has provided a current mailing address that
4 is located outside the United States; or

5 (B) if the requestor is a person described by
6 Section 101.001(2)(A), ~~[or]~~ (B), or (B-1), has provided a current
7 mailing address that is located outside the requestor's county of
8 residence;

9 (2) the requestor provides an e-mail address:

10 (A) that corresponds to the address on file with
11 the requestor's federal postcard application; or

12 (B) stated on a newly submitted federal postcard
13 application;

14 (3) the request is submitted on or before the deadline
15 prescribed by Section 84.007 [~~seventh day before the date of the~~
16 ~~election~~]; and

17 (4) a marked ballot for the election from the
18 requestor has not been received by the early voting clerk.

19 SECTION 47. Section 101.107(a), Election Code, is amended
20 to read as follows:

21 (a) A voter described by Section 101.001(2)(A), ~~[or]~~ (B), or
22 (B-1) must be voting from outside the voter's county of
23 residence. A voter described by Section 101.001(2)(C) must be
24 voting from outside the United States.

25 SECTION 48. Section 102.002, Election Code, is amended to
26 read as follows:

27 Sec. 102.002. CONTENTS OF APPLICATION. An application for

1 a late ballot must comply with the applicable provisions of Section
2 84.002 and must include or be accompanied by a certificate of a
3 licensed physician or chiropractor or accredited Christian Science
4 practitioner in substantially the following form:

5 "This is to certify that I know that _____ has a sickness
6 or physical condition that will prevent him or her from appearing at
7 the polling place for an election to be held on the _____ day
8 of _____, 20 [19]____, without a likelihood of needing personal
9 assistance or of injuring his or her health and that the sickness or
10 physical condition originated on or after _____.

11 "Witness my hand at _____, Texas, this _____ day of
12 _____, 20 [19]____.

13 _____
14 (signature of physician,
15 chiropractor, or practitioner)"

16 SECTION 49. Section 113.003, Election Code, is amended to
17 read as follows:

18 Sec. 113.003. SUBMITTING APPLICATION FOR MAIL BALLOT. An
19 application for a presidential ballot to be voted by mail must be
20 submitted to the early voting clerk serving the county of the
21 applicant's most recent registration to vote by the deadline
22 prescribed by Section 84.007.

23 SECTION 50. Section 141.032(g), Election Code, is amended
24 to read as follows:

25 (g) Except as otherwise provided by this code [~~After the~~
26 ~~filing deadline~~]:

27 (1) a candidate may not amend an application filed

1 under Section 141.031; and

2 (2) the authority with whom the application is filed
3 may not accept an amendment to an application filed under Section
4 141.031.

5 SECTION 51. Section 141.034(a), Election Code, is amended
6 to read as follows:

7 (a) An application for a place on the ballot may not be
8 challenged for compliance with the applicable requirements as to
9 form, content, and procedure after the day before any ballot to be
10 voted early by mail in the election for which the application is
11 made is mailed [~~to an address in the authority's jurisdiction for~~
12 ~~the election for which the application is made~~].

13 SECTION 52. The heading to Section 141.040, Election Code,
14 is amended to read as follows:

15 Sec. 141.040. NOTICE OF DEADLINES AND FILING METHODS.

16 SECTION 53. Section 141.040, Election Code, is amended by
17 adding Subsection (c) to read as follows:

18 (c) An authority may designate an e-mail address in the
19 notice required by this section for the purpose of filing an
20 application for a place on the ballot under Section 143.004.

21 SECTION 54. Section 143.004, Election Code, is amended to
22 read as follows:

23 Sec. 143.004. APPLICATION REQUIRED. (a) Subject to
24 Section 143.005, to be entitled to a place on the ballot, a
25 candidate must make an application for a place on the ballot.

26 (b) An application, other than an application required to be
27 accompanied by fee or petition, may be filed through e-mail

1 transmission of the completed application in a scanned format only
2 if the filing authority designates an e-mail address for this
3 purpose in the notice required under Section 141.040.

4 SECTION 55. Section 144.003(a), Election Code, is amended
5 to read as follows:

6 (a) Except as otherwise provided by law, to be entitled to a
7 place on the ballot, a candidate must make an application for a
8 place on the ballot. An application, other than an application
9 required to be accompanied by fee or petition, may be filed through
10 e-mail transmission of the completed application in a scanned
11 format only if the filing authority designates an e-mail address
12 for this purpose in the notice required under Section 141.040.

13 SECTION 56. Section 192.033(d), Election Code, is amended
14 to read as follows:

15 (d) In conjunction with the certification required under
16 Subsection (a), the secretary of state shall include appropriate
17 ballot translation language, as applicable, for each language
18 certified statewide or in a specific county by the director of the
19 census under the federal Uniformed and Overseas Citizens Absentee
20 Voting Act (52 U.S.C. Sections 20301 through 20311) [42 U.S.C.
21 Section 1973aa-1a].

22 SECTION 57. Subchapter B, Chapter 201, Election Code, is
23 amended by adding Section 201.030 to read as follows:

24 Sec. 201.030. VACANCY RESULTING FROM RECALL ELECTION. For
25 cities conducting recall elections, a vacancy in the officer's
26 office occurs on the date of the final canvass of a successful
27 recall election.

1 SECTION 58. Section 203.004(b), Election Code, is amended
2 to read as follows:

3 (b) If the election is to be held as an emergency election,
4 it shall be held on a Tuesday or Saturday occurring on or after the
5 36th day and before the 64th [~~50th~~] day after the date the election
6 is ordered.

7 SECTION 59. Section 212.001, Election Code, is amended to
8 read as follows:

9 Sec. 212.001. GENERAL REQUIREMENTS FOR RECOUNT DOCUMENT. A
10 recount document submitted under this title must:

- 11 (1) be in writing;
- 12 (2) identify the office or measure for which a recount
13 is desired;
- 14 (3) state the grounds for the recount;
- 15 (4) state the side of the measure that the person
16 requesting the recount represents, if applicable;
- 17 (5) identify the election precincts, grouped by county
18 or other appropriate territorial unit if the election involves more
19 than one local canvassing authority, for which a recount is desired
20 and must indicate the method of voting used in each precinct;
- 21 (6) be signed by:
 - 22 (A) the person requesting the recount or, if
23 there is more than one, any one or more of them; or
 - 24 (B) an agent of the person requesting the
25 recount;
- 26 (7) state each requesting person's name, residence
27 address, and, if authorization to obtain the recount is based on

1 eligibility to vote in the election, voter registration number, and
2 county of registration if the election covers territory in more
3 than one county;

4 (8) designate an agent who is a resident of this state
5 to receive notice under this title on behalf of the person
6 requesting the recount if:

7 (A) the person requesting the recount is not a
8 resident of this state; or

9 (B) there is more than one person requesting the
10 recount;

11 (9) state the mailing address and at least one
12 telephone number, if any, at which the person requesting the
13 recount or an agent, identified by name, may receive notice given
14 under this title;

15 (10) state the mailing address, e-mail address, if
16 any, and at least one telephone number, if any, at which the
17 opposing candidates for the office or their agents, identified by
18 name, may receive notice given under this title; and

19 (11) be accompanied by a deposit as provided by
20 Subchapter E.

21 SECTION 60. Section 212.002(b), Election Code, is amended
22 to read as follows:

23 (b) The designation is not effective unless the document
24 states the designee's name, address, e-mail address, if any, and
25 telephone number, if any.

26 SECTION 61. Section 212.028(a), Election Code, is amended
27 to read as follows:

1 (a) Except as provided by Subsection (b), a petition for an
2 initial recount must be submitted by ~~[the later of:~~

3 ~~[(1) 5 p.m. of the fifth day after election day; or~~

4 ~~[(2)] 5 p.m. of the second day after the date the~~
5 canvassing authority to whose presiding officer the petition must
6 be submitted completes its canvass of the original election
7 returns.

8 SECTION 62. Section 212.031(a), Election Code, is amended
9 to read as follows:

10 (a) If a recount petition complies with the applicable
11 requirements, the recount coordinator shall approve the petition
12 and note on the petition its approved status and the date of the
13 approval. The recount coordinator shall immediately notify the
14 recount supervisor of the approval. The recount supervisor shall,
15 with the written approval of the recount coordinator, order the
16 recount to be held on the earlier of ~~[a date occurring not later~~
17 ~~than]~~ the seventh day after the date the petition is determined to
18 comply with the applicable requirements or the day after all
19 ballots have been delivered to the general custodian of election
20 records.

21 SECTION 63. Section 212.083, Election Code, is amended to
22 read as follows:

23 Sec. 212.083. DEADLINE FOR SUBMITTING PETITION. The
24 deadline for submitting a recount petition under this subchapter is
25 ~~[the later of:~~

26 ~~[(1) 2 p.m. of the third day after election day; or~~

27 ~~[(2)] 2 p.m. of the first day after the date of the~~

1 local canvass.

2 SECTION 64. Section 212.112, Election Code, is amended to
3 read as follows:

4 Sec. 212.112. AMOUNT OF DEPOSIT. The amount of the recount
5 deposit is:

6 (1) \$60 for each of the entity's election day polling
7 places [~~precinct~~] in which regular paper ballots were used; and

8 (2) \$100 for each of the entity's election day polling
9 places [~~precinct~~] in which an electronic voting system was used.

10 SECTION 65. Section 216.003, Election Code, is amended to
11 read as follows:

12 Sec. 216.003. INITIATING AUTOMATIC RECOUNT. For purposes
13 of initiating an automatic recount, the authority designated under
14 Section 212.026 shall order the recount [~~request the recount in the~~
15 ~~same manner as a recount petitioner under this title~~].

16 SECTION 66. (a) The following provisions of the Election
17 Code are repealed:

18 (1) Sections 15.082(c) and (d);

19 (2) Subchapter F, Chapter 15;

20 (3) Section 18.0051;

21 (4) Section 18.008(c);

22 (5) Section 42.061(c);

23 (6) Section 87.101;

24 (7) Section 105.002; and

25 (8) Section 145.092(e).

26 (b) Section 5, Chapter 404 (H.B. 25), Acts of the 85th
27 Legislature, Regular Session, 2017, which amended Section

1 [105.002\(c\)](#), Election Code, is repealed.

2 SECTION 67. This Act takes effect September 1, 2019.